

REMARKS/ARGUMENTS

Claims 1-13 are present in this application. By this Amendment, the specification and claims 1, 4, 6, 8, 11 and 12 have been amended, and claim 13 has been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1-12 were rejected under 35 U.S.C. §112, first paragraph. Initially, the Office Action contends that the line of the “imaginary arc” is not defined. The Office Action references page 5, lines 32-37. Without conceding this contention, Applicants submit that the specification very clearly defines that two or more rotatable members such as wheels or rollers are capable of maintaining contact with the surface of the pipe as the measurement apparatus is moved along the pipe. The rotatable members of the guides are positioned on either side of the detector along the imaginary arc. See page 5, lines 19-31. Thus, it is clear from the specification that a purpose of positioning the rotatable members and the detector along an arc is to allow the detector and the guides to be in contact with the surface of the pipe at different points around its circumference when the apparatus is in use. Applicants respectfully submit that those of ordinary skill in the art, when reading this passage and viewing the figures, would immediately deduce that any specific point of the guides and the detector could be used to define the arc so long as the end result was that all three elements were in contact with the pipe when in use.

In this context, the Office Action further contends that the phrase “approximately the same radius as the pipe” does not lend itself to defining the arc. Without conceding this contention, the specification has been amended to recite that the guides are positioned on either side of the detector and have pipe contact points along an imaginary arc having approximately the same radius as the pipe under test. Support for this subject matter can be found, for example, in Fig. 1.

The Office Action further questions whether the “distance” between the guides and the detector is a circumferential distance along the arc or a straight line distance. When studying the application, however, Applicants submit that it would be clear to those of ordinary skill in the art that the distance referenced is the distance along the imaginary arc, and hence this feature limits the extent to which the apparatus surrounds the pipe. Without conceding the Office Action’s contention, in an effort to clarify this subject matter, the specification has been amended to reference a circumferential distance. Support for this subject matter can also be found in, for example, Fig. 1.

Claims 1-12 were further rejected under 35 U.S.C. §112, second paragraph, referring to the “arc” and “distance” in claim 1. With reference to the discussion above and without conceding this rejection, claim 1 has been amended to clarify “arc” and “distance.” In particular, claim 1 has been amended to recite that the rotatable members of the guides and the detector are positioned substantially along an arc such that in use, the detector and the guides are in contact with the pipe surface at different points around its circumference. Moreover, claim 1 has been amended to recite that the guides and the detector span a circumferential distance that is smaller than a radius of the arc Claim 11 has been similarly amended.

Applicants thus respectfully submit that the specification and claims satisfy the requirements of 35 U.S.C. §112. Withdrawal of the rejections is respectfully requested.

Claims 1, 5, 8, 11 and 12 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,240,206 to Baresh et al. This rejection is respectfully traversed.

Claims 1 and 11 specify that the distance between each rotatable member and the detector is smaller than the radius of the arc formed by these elements. This allows the user to easily position the detector on the pipe without the lengthy preparatory process of opening the anvil,

introducing the pipe into the open space and closing the anvil. The closed device disclosed in the Baresh patent also presents problems when the pipe to be measured is in close proximity to neighboring pipes or other pieces of equipment, where it may not be possible to completely encircle the pipe. By having rotatable members and the detector forming an angle smaller than 180° , the device can be simply and directly placed onto the pipe to be tested.

In an effort to clarify this feature of the invention, claims 1 and 11 have been amended to recite that the guides (or guide assembly) and the detector together span a circumferential distance that is smaller than a radius of the arc. Since at least this subject matter is lacking in the Baresh patent, Applicants submit that the rejection is misplaced.

With regard to dependent claims 5, 8 and 12, Applicants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 4 was rejected under 35 U.S.C. §103(a) over Baresh in view of U.S. Patent No. 5,623,107 to Patterson, Sr. et al., and claims 9 and 10 were rejected under 35 U.S.C. §103(a) over Baresh in view of European Patent Publication 000282687 to Yoshida et al. These secondary references, however, do not correct the deficiencies noted above with regard to claim 1. That is, none of Baresh, Patterson or Yoshida provides any suggestion to modify the Baresh patent to meet the features of the claimed invention. As such, Applicants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim. Withdrawal of the rejections is respectfully requested.

Applicants acknowledge with appreciation the indication of allowable subject matter in claims 2, 3 and 7.

Claim 13 has been added and corresponds to claim 12 but depends from claim 11.

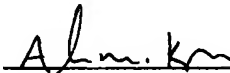
EDWIN et al.
Appl. No. 10/507,493
October 19, 2005

In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Alan M. Kagen
Reg. No. 36,178

AMK:jls
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100